IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.1137 of 2005

in

Criminal Appeal No. 1125 of 2003

The State of Maharashtra. .Appellant

vs

Dilip Gurkhoji Kakade & Anr. .. Respondents

Smt V.R. Bhonsale A.P.P. for the appellant.
None for respondents.

CORAM: V.G.PALSHIKAR,Acg C.J. ,&
NISHITA MHATRE, J.
DATE: AUGUST 17, 2006.

P.C.:

Heard learned Additional Public Prosecutor on merits of the matter.

2. In paragraphs 10 and 11 of the judgment the learned trial Judge has given cogent reasons for rejecting the evidence of the complainant. The accused were charged with different offences. The prosecution case was that the accused deliberately set on fire the cattle shed and the house of the complainant. The complainant has deposed to it in court. His evidence is rejected by the learned Judge by saying that the conduct of the complainant in keeping quiet when the house

and the cattle shed were burning, not calling for help from the neghbourhood, was such which militates against the case of the complainant and his testimony. Similarly the evidence of P.W.3 Rajaram is discussed and rejected. The reasons for rejecting this evidence are not perverse. Factually, it is a correct appreciation of evidence on record resulting in acquittal of the accused. In our opinion, therefore, no case is made out for interference. Hence the application for leave is rejected.